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09/891,546	06/26/2001	Dale F. McIntyre	83012F-P	1860

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Milton S. Sales
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

ROSARIO, DENNIS

ART UNIT PAPER NUMBER

2621

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,546

Applicant(s)

MCINTYRE, DALE F.

Examiner

Dennis Rosario-Vasquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 and 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. The amendment was received on October 10, 2004. Claims 1-6 are pending.

Response to Arguments

2. Applicant's arguments, see REMARKS section, page 1, lines 28-30, filed 10/10/2004 with respect to the rejection(s) of claim 1 under Yokomizo et al. (US Patent 6,522,418 B2) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Morris et al. (US Patent 5,153,936).

Applicant's arguments, see REMARKS section, page 2, lines 1-6, filed 10/10/2004, with respect to the rejection(s) of claim 1 under Yokomizo et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Morris et al.

Claim Objections

3. Due to the amendment, the previous objections to claims 1 and 4 are withdrawn.
4. The following quotations of 37 CFR § 1.75(a) is the basis of objection:
 - (a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.
5. Claims 1 and 4 are objected to under 37 CFR § 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

6. Claim 1, line 9, contains the step of storing that appears to be a step that has no relationship with the step of transmitting on line 11. Was the step of storing intended to have no relationship with the step of transmitting?

7. If the step of storing was omitted, the steps of analyzing and transmitting can still be performed without the step of storing. Please specify if the step of storing is integral with the steps of analyzing and transmitting.

8. A suggestion is to amend claim 1, line 10, of "at a remote server of a provider" to "at a server of a provider at said remote location".

Claims 4 is objected the same as claim 1. Thus, argument similar to that presented above for claim 1 is equally applicable to claim 4.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. (US Patent 6,522,418 B2) in view of Morris et al. (US Patent 5,153,936 A).

Regarding claim 1, Yokomizo et al. teaches a method for providing assistance in recreating a digital image file on a user computer from information obtained over a communication network retained at a remote location with respect to said image file, comprising:

a) a provider having a provider computer (Fig. 10, num. 30 is a computer in col. 18, lines 45-47.) that analyzes a user storage device (Fig. 10, label "MEMORY") in a user computer (Fig. 10, num. 10) over said communication network (fig. 10, num. 30-6 is a communication line.) so as to obtain low resolution digital image files (Fig. 10, num. 10-3 contains files of thumbnails.) of high resolution digital image files (fig. 10, num. 10-5) stored on said storage device (fig. 10, label "MEMORY") and storage parameters (filenames of thumbnails 10-3 in col. 9, lines 40,41.) of the high resolution digital image files (fig. 10, num. 10-5).

The MEMORY in Yokomizo et al. contained within 10 of fig. 10 is viewed by a user using a viewer plug-in device that "permits...files adapted...and stored in the...server to be displayed and edited (col. 18, lines 22-24)."

Thus, a user, fig. 10, num. 30, analyzes MEMORY by viewing MEMORY using the plug-in device. Note that the MEMORY is contained within fig. 10, num. 10 that contains a "desktop computer" of a DEALER of fig. 10 as mentioned in col. 3, lines 51-61. Also note that the viewing or analyzing of MEMORY by a user is performed over a communication line 30-6. As a result of using the plug-in device, the thumbnail images from fig. 10, num. 10-3 are obtained or downloaded to a USER 30 of fig. 10 as THUMBNAIL IMAGE 30-1. Also from downloading or obtaining a thumbnail, a filename that corresponds with the claimed storage parameters is associated with the thumbnail in 10-3 that is linked to the high-resolution image 10-5 of fig. 10.

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b) said provider (Fig. 10, num. 30) storing said low resolution digital image files (fig. 10, num. 10-3) and said storage parameters (filenames of thumbnails 10-3) at a remote server of a provider (fig. 10, num. 20); A web server 20 of fig. 10 stores the thumbnail images 10-3 with an associated filename in another storage location shown fig. 10, num. 20-1 upon a user's request to download images from web server 20; and

c) transmitting from said remote location (fig. 10, num. 20 transmits from a remote location relative to fig. 10, num. 30.) said image storage parameters (file names of thumbnails 10-3 which are stored in fig. 10,num. 20-1.) over said communication network (fig. 10, num. 20-5, 30 and 30-6) to said user computer (fig. 10, num. 10) so as to assist in reconstructing the high resolution digital image files (Fig. 10, num. 10-5) in said user storage device (Fig. 10, label "MEMORY").

In Yokomizo et al. the filenames of thumbnails 10-3 from web server 20 to computer 30 are transmitted using communication lines 20-5 and 30-6 to computer 10. Note that the transmitted filenames of thumbnails 10-3 are used to link with the high-resolution images 10-5 of fig. 10 so that an editing process can be performed of the high-resolution images 10-5 stored in MEMORY of fig. 10.

However, Yokomizo et al. does not teach the limitation of a user storage device that has had some loss of data, but does suggest an editing function," RepairedImage" that repairs an image in col. 10, lines 20 and 21. Thus, an image that needs to be repaired can be an image that has some type of problem such as data loss and needs to be repaired.

However, Morris et al. in the same field of transferring images over a communications network does teach as suggested by Yokomizo et al. performing a "remote backup" in col. 10, line 9 in the case that stored images need to be replace due to a problem with the stored images and teaches the limitation of:

a) transmitting from a remote location (Fig. 1,num. 40:IMAGE HOST & STORAGE transmits via a "network line" in col. 5, line 63 and shown in fig. 1,num. 38.) a plurality of image storage parameters (Fig. 1,num. 60:COMPRESSED LOWER RES. DATA DASD contains a plurality of stored images that are transmitted via line 38.) over a communication network ("network line" in col. 5, line 63 and shown in fig. 1,num. 38) to a user computer (Fig. 1,num. 20: WORK STATION) so as to assist (The IMAGE HOST & STORAGE of fig. 1,num. 40 transmits images 50:COMPRESSED HIGHER RES. DATA DASD via network line 38 so as to assist the WORK STATION of fig. 1,num. 20.) in reconstructing (Fig. 1,num. 44: HIGHER RESOLUTION IMAGE SCALING UNIT reconstructs or scales the size of an image using images from fig. 1,num. 50:COMPRESSED HIGHER RES. DATA DASD.) a plurality of high resolution digital image files (High resolution images contained in fig. 1,num. 34: COMPRESSED HIGHER RESOLUTION DATA BUFFER that are transmitted to fig. 1, num. 50) in said user storage device (fig. 1,num. 34: COMPRESSED HIGHER RESOLUTION DATA BUFFER is a user storage device.) that has had some loss of data (The user storage device of fig. 1,num. 34 intentionally lost some data or images upon transmission of the high resolution image from fig. 1,num. 34 to fig. 1,num. 50 via numerals 36,38 and 48 and in mentioned in col. 10, lines 1-7 and is now

receiving data from fig. 1,num. 50: COMPRESSED HIGHER RES. DATA DASD for reconstruction in fig. 1, num. 44 in col. 9, lines 54-68.).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Yokomizo et al.'s teaching of repairing an image using the editing function shown in fig. 10,num. 10-7:EDITING and fig. 10,num. 30-2:EDITORIAL KIT to repair images with Morris et al.'s teaching of a "remote backup" of images, because Morris et al.'s "remote backup" also referred to as "remote storage" can prevent loss of data on a user's storage device via a backup of data.

Regarding claim 2, Yokomizo et al. discloses the method according to claim 1 wherein said storage parameters (file names of thumbnails 10-3) comprises data structure information (linking information) of said high-resolution digital image files. The file names of thumbnails 10-3 also include a link to a respective high-resolution image 10-5 of fig. 10 as mentioned in col. 5, lines 55-58.

Regarding claim 3, Yokomizo et al. discloses a method according to claim 1 wherein said storage parameters (file names of thumbnails 10-3) are updated at routine communication intervals ("polling-type job accepting system" used with a "simulative opening method" in col. 20, lines 34-36). Requests are periodically polled using a communication line in a polling-type job accepting system (col. 20, lines 36-41). Note that the "requests" in col. 20, line 39 are processed in the simulative opening method and polling-type job accepting system described in col. 20, lines 15-36. Note that requests are associated with editing or coding information in col. 7, lines 54-58, which includes a filename in col. 7, line 58. Thus a request that includes a file name is

periodically polled.

Claim 4 is rejected the same as claim 1. Thus, argument similar to that presented above for claim 1 is equally applicable to claim 4.

Claim 5 is rejected the same as claim 2. Thus, argument similar to that presented above for claim 2 is equally applicable to claim 5.

Claim 6 is rejected the same as claim 3. Thus, argument similar to that presented above for claim 3 is equally applicable to claim 6.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario-Vasquez whose telephone number is 703-305-5431. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRV
Dennis Rosario
Unit 2621


DANIEL MIRIAM
PRIMARY EXAMINER